

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 2:17-CR-296-JAD-(CWH)
Plaintiff,)
v.) Preliminary Order of Forfeiture
JOHNE LEWIS OWENS, II,)
Defendant.)

This Court finds that defendant Johne Lewis Owens, II, pled guilty to Count Two of a Three-Count Criminal Indictment charging him with Distribution of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds defendant Johne Lewis Owens, II, agreed to the forfeiture of the property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 19; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant Johne Lewis Owens, II, pled guilty.

The following property is (1) any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which

1 contains any such visual depiction, which was produced, transported, mailed, shipped or received
2 in violation of Title 18, United States Code, Section 2252A(a)(2) and (2) any property, real or
3 personal, used or intended to be used to commit or to promote the commission of Title 18,
4 United States Code, Section 2252A(a)(2) or any property traceable to such property, and is
5 subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3):

6 1. ZTE Z970 cell phone, IMEI 3C5891021319286, FCC ID# SRQ-Z970 (property).

7 This Court finds that the United States of America may amend this order at any time to
8 add subsequently located property or substitute property to the forfeiture order pursuant to Fed.
9 R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

10 This Court finds the United States of America is now entitled to, and should, reduce the
11 aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
13 the United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,
15 ownership rights, and all rights, titles, and interests of Johne Lewis Owens, II, in the
16 aforementioned property are forfeited and are vested in the United States of America and shall be
17 safely held by the United States of America until further order of the Court.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
19 America shall publish for at least thirty (30) consecutive days on the official internet government
20 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
21 property, state the time under the applicable statute when a petition contesting the forfeiture must
22 be filed, and state the name and contact information for the government attorney to be served
23 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
24 Section 853(n)(2).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
26 entity who claims an interest in the aforementioned property must file a petition for a hearing to

1 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
2 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
3 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
4 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
5 facts supporting the petitioner's petition and the relief sought.

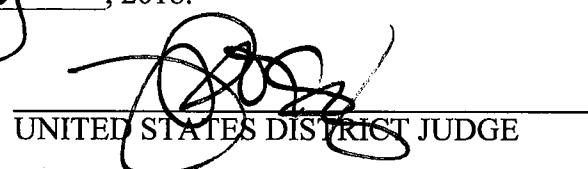
6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
7 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
8 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
9 sixty (60) days after the first day of the publication on the official internet government forfeiture
10 site, www.forfeiture.gov.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
12 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
13 the following address at the time of filing:

14 Michael A. Humphreys
15 Assistant United States Attorney
16 Daniel D. Hollingsworth
17 Assistant United States Attorney
18 501 Las Vegas Boulevard South, Suite 1100
19 Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
21 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
22 agency following publication of notice of seizure and intent to administratively forfeit the above-
23 described property.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
25 of this Order to all counsel of record.

26 DATED this 23rd day of July, 2018.
27 
28 
29 UNITED STATES DISTRICT JUDGE